

## **REMARKS**

Favorable consideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-5 and 7-14 are pending in the application. Claims 2-4, 8-11, 13 and 14 have been amended. Claims 5 and 12 have been canceled without prejudice.

Claims 12 and 13 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. To facilitate prosecution and while not necessarily agreeing with the grounds for the rejection, Claim 12 has been cancelled and Claim 13 has been amended to depend from Claim 1.

In view of the above, withdrawal of the rejection of Claims 12 and 13 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 13 and 14 have been objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. To facilitate prosecution and while not necessarily agreeing with the grounds for the rejection, Claims 13 and 14 have been amended to depend from Claim 1 and Claim 5 has been canceled without prejudice.

In view of the above, withdrawal of the objection of Claims 13 and 14 under 37 C.F.R. §1.75(c) is respectfully requested.

Claims 2-4, 8-11, 13 and 14 have been amended to recite "The composition" and "The method" in place of "A composition" and "A method". Claim 11 has also been amended to recite the term "is about 0.03%" in place of the term does not exceed 0.03%.

Claims 1-5 and 7-14 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent 6,455,547. A terminal disclaimer is submitted herewith, disclaiming the term of any patent that issues from the present application that would extend beyond the expiry of U.S. Patent 6,455,547.

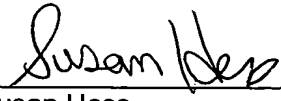
In view of the above, withdrawal of the rejection of Claims 1-5 and 7-14 for obviousness-type double patenting is respectfully requested.

To render moot potential claims of obviousness-type double patenting of the claims of the present application by the claims of application serial no. 10/134,795 filed on April 29, 2002 and application serial no. 09/619,349 filed on July 19, 2000, terminal disclaimers are submitted herewith, disclaiming the term of any patent that issues from the present application that would extend beyond the expiry of any patents granted on the 10/134,795 and 09/619,349 applications.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080  
(862) 778-7859

  
\_\_\_\_\_  
Susan Hess  
Attorney for Applicants  
Reg. No. 37,350

Date: March 4, 2004